

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re app. of: **Francis P. Kuhajda et al.**

Examiner: **G. M. Shameem**

App. No.: **10/520,505** Conf. No.: **5835**

Art Unit: **1626**

Filed: **February 6, 2006**

Docket No.: **P71497US/37049.00082**

For: **NOVEL COMPOUNDS, PHARMACEUTICAL COMPOSITIONS CONTAINING
SAME, AND METHODS OF USE FOR SAME**

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TRANSMITTAL OF SUPPLEMENTAL DECLARATION OF INVENTORSHIP

Sir:

On November 23, 2009, Applicants submitted a Supplemental Declaration of Inventorship believed to be in compliance with the requirements of 37 C.F.R. 1.497. However, as requested by Mr. James Thompson, an attorney in the Office of PCT Legal Administration, during a teleconference with the undersigned counsel on December 16, 2009, Applicants are resubmitting herewith the Supplemental Declaration of Inventorship such that each Declaration separately signed by each inventor is being provided in full (i.e., including the blank pages of each separately signed Declaration).

The related PCT application, Int'l App. No. PCT/US2003/021700, lists the following inventors: Francis Kuhajda, Susan Medghalchi, Jill McFadden, Jagan Thupari, and Craig Townsend. However, the Declaration of Inventorship accompanying the National Phase entry of this application inadvertently omitted the name and signature of Craig Townsend. According to

MPEP § 1893.01(e), the inventorship of an international application entering the national stage under 35 U.S.C. § 371 is that inventorship set forth in the international application. An oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 C.F.R. 1.497(d) are satisfied. The original Declaration omitting Craig Townsend as a co-inventor did not satisfy these requirements, and thus the inventorship has not been changed from the original inventive entity reflected in the related PCT application. To this end, Applicants are submitting herewith a Supplemental Declaration of Inventorship properly reflecting the inventive entity of the present application.

In view of the abovementioned remarks and Supplemental Declaration of Inventorship submitted herewith, Applicants respectfully assert that this application remains in condition for allowance. Applicants believe that no fees are due in connection with the filing of this Supplemental Declaration of Inventorship. If any fees are necessary in order to continue the prosecution of this application, please charge such fees to Deposit Account 50-1943. The Examiner is invited to contact the undersigned counsel in order to further the prosecution of this application in any way.

Respectfully submitted,

Date: December 16, 2009

/Edward L. Brant/
Edward L. Brant
Reg. No. 62,362

Fox Rothschild LLP
2000 Market Street, Tenth Floor
Philadelphia, PA 19103
Tel: (215) 299-3830
Fax: (215) 299-2150